



United States Department of Agriculture
Food and Nutrition Service

Southeast Region

Reply to

Attn. of: SERO Policy

October 14, 2004

Subject: Policy Memorandum 210.C-2, 220.C-1, 225.C-1, and 226.C-1: Notification that Excel Corporation, a division of Cargill, Inc., produced beef patties in violation of the Child Nutrition (CN) Labeling Program

To: All Child Nutrition Directors
Southeast Region

It has recently come to our attention that prior to August 3, 2004, the Excel Corporation (Excel) mislabeled *beef patties* and produced a CN labeled product without final approval from the Food and Nutrition Service (FNS). By letter dated August 25, 2004, we informed Excel that its' mislabeled *beef patties*, containing water and/or textured vegetable protein product (TVPP) and produced at establishment 7165 prior to August 3, 2004, were inappropriately packaged as CN labeled product. As a result, we informed Excel Corporation that the mislabeled *beef patties* may not be used as CN labeled product.

Excel Corporation products labeled as *ground beef patties* or *100% pure ground beef patties* are labeled correctly and are not affected by this notice. Only products produced before August 3, 2004, labeled specifically as *beef patties* and containing water and/or TVPP are mislabeled and are not warranted as CN labeled products.

Since the company wishes to produce product containing water and/or textured vegetable protein product (TVPP), Excel has submitted new labels for FNS final approval. Each new label has been assigned a new CN identification number and all new FNS label approvals will have a date of *09/04* or after in the CN logo.

Should your agency learn that a school food authority has the affected mislabeled *beef patties* in its school facilities or storage, you should notify this office. Subsequently, we will notify a member of the CN labeling staff for assistance in resolving the situation.

PEGGY FOUTS
Regional Director
Special Nutrition Programs

Ref: Issued by CND – 09/28/04 – Notification that Excel Corporation, a division of Cargill, Inc., produced beef patties in violation of the Child Nutrition (CN) Labeling Program